

REMARKS

In the Office Action, claims 1, 2 4-21, 23 25-41 have been rejected. Claims 1, 2, 4-21, 23, 25, 26 and 28-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged combination of *Shore* (U.S. Patent Pub. No. 2003/0149662, hereinafter *Shore*) and *Business Editors and High-Tech Writers* (March 2000, hereinafter *Business*); claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged three-way combination of *Shore*, *Business*, and *Wright et al.* (U.S. Publication No. 2002/0178062 A1, hereinafter *Wright*); and claims 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged three-way combination of *Shore*, *Business*, and *Turtiainen* (U.S. Patent No. 6,430,407, hereinafter *Turtiainen*). Applicants respectfully traverse these grounds of rejection.

I. Completeness of the Office Action

The current record does not appear ripe for appeal, because there are claimed features that simply are not addressed by the Office Action. If the rejections of these claims are to be maintained, Applicants request clarification of the grounds of rejection, so that the issues may be properly considered on appeal. For example, claim 23 recites that a claimed product device is a copy vending machine, while claim 26 recites a parking meter. These claims are rejected as allegedly being taught by the combination of *Shore* and *Business*, but neither of those references mentions a copy vending machine or a parking meter.

As another example, claim 39 recites (among other features) causing a mobile device display to “display a list of products available for purchase from [a] vendor device and prices of said products.” This claim is also allegedly disclosed by the combination of *Shore* and *Business*, but the Office Action does not cite to any portion for showing such a list, and neither of those references teaches or suggests displaying such a list. The *Shore* reference is focused on

processing payments, such as using a PDA as an electronic wallet, and does not disclose displaying such a list of products. See, e.g., para. [0383] through [0390]. The *Business* reference does not overcome this deficiency. The *Business* reference discusses accessing the Internet from a cell phone to pay bills or to pay for a can of coke, but there is no teaching or suggestion of displaying a list as recited.

II. Claims 1-2, 4-5 and 39-41

Amended independent claim 1 recites, among other features, that the program transmitted from the vendor device via the wireless transmission channel port to the compatible wireless transmission channel port on the wireless mobile device to take control of the device's menuing, interaction and display functions "take[s] control of the wireless mobile device's menuing, interaction and display functions." The Office Action concedes that *Shore* does not disclose a program to take control, and relies on *Business* instead for that program. The *Business* reference does not teach or suggest such taking control, either. The *Business* reference does not discuss taking control of the user's device, it simply mentions sending a web page to the user's device. There is no teaching or suggestion of sending a program to take control of the user's device, as recited.

Further, amended claim 1 also recites that the program "replaces a man-machine interface software component on the mobile device while the mobile device is within the transmission radius of the vendor device." Neither *Shore* nor *Business* teaches or suggests such a replacement. The *Shore* reference simply deals with payment transactions, and does not replace any such software component on the user's PDA as recited. Similarly, *Business* merely states that users can view web pages in a different format depending on their device, and that users can log onto the Internet to conduct business there, but there is no teaching or suggestion of replacing

a software component as recited.

Finally, amended claim 1 also recites “transmitting, from the mobile device to the vendor device, mobile device user preference information corresponding to products offered by the vendor device.” The *Shore* reference, which is focused on payment processing, does not teach or suggest such a transmission from the mobile device. The *Business* reference quotes a CEO as saying that it is possible to pay for a can of coke from a vending machine using a cell phone, but there is no actual teaching or suggestion that the mobile device transmits user preference information corresponding to products offered by the vendor device, as recited.

For at least these reasons, Applicants submit that amended claim 1 distinguishes over the applied references. Claims 2, 4-5 and 39-41 depend from claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein. For example, claim 41 recites that payment for the item is anonymous, “whereby said vendor device is not provided with identification of a user of said mobile phone.” The Office Action cites a secret stored on the *Turtiainen* SIM card to show this feature. The “SIM” in this reference stands for “Subscription Identification Module,” and it is used to authenticate the user when using software or hardware. See col. 4, line 53 (for “SIM”) and the Background and Summary for general discussion of authentication. The entire purpose for this authentication is to identify the user, and this reference fails to teach or suggest the recited anonymous payment. Indeed, the “secret” stored on this card is an encryption key, and has nothing to do with trying to keep the user’s identity anonymous. See, e.g. col. 1, lines 66-67 (defining “secret”). At a minimum, the rejection of this claim would not survive appeal.

III. Claims 6 and 28

Amended independent claim 6 recites wherein said program replaces a display software

component of the wireless mobile device “to extend the vendor device interface to include the mobile device.” As discussed above, the applied references do not teach or suggest replacing a software component on a mobile device, and amended claim 6 is distinguishable over these references. Similarly, amended independent claim 28 recites “to extend a product device interface to include the mobile device,” and is similarly distinguishable over the applied references.

IV. Claims 7-11

Amended independent claim 7 recites that the program to take control will “extend the vendor device’s display interface to said mobile device.” There is no teaching or suggestion in either *Shore* or *Business* of using the mobile device display in this manner. The *Shore* reference uses the PDA display to, for example, prompt the user for a PIN (para. [0377]), but there is no teaching or suggestion that such a prompt is an extension of a vendor device’s display interface. To the contrary, the PIN prompt is relevant to the payment system in *Shore*, and appears largely unrelated to the merchant’s point-of-purchase interface. See para. [0378].

Amended claim 7 also recites that the program is transmitted automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port. The *Shore* system displays its PIN prompt only after the user has entered biometric data to initiate the process. The *Business* article, other than simply mentioning that users can pay bills and buy coke over the Internet, is silent with respect to automatically transmitting a program to take control when the wireless mobile device enters a transmission range of the wireless transmission port.

For at least these reasons, amended independent claim 7 distinguishes over the applied references. Claims 8-11 depend from claim 7, and are distinguishable for at least the same

reasons as claim 7, and further in view of the various features recited therein.

V. Claims 12-15 and 29-33

Amended independent claims 12 and 33 recite, among other features, “replacing a local interface software component of the mobile device,” while amended independent claims 13 and 29 recite “replace[s] a local software component on the mobile device.” As discussed above with respect to claim 1, neither of the *Shore* and *Business* references teaches or suggests replacing software of the mobile device, and there is no teaching or suggestion of the replacing recited in these claims. Claims 14-15 and 30-32 depend from claims 13 and 29, respectively, and are distinguishable for at least the same reasons as their respective base claims, and further in view of the features recited therein.

VI. Claims 16-21, 23 and 25-27

Amended independent claim 16 recites, among other features, the microprocessor in the product device automatically taking electronic control of the wireless mobile device when said wireless mobile device enters a range of said product device to extend a product device interface to the mobile device. As discussed above, none of the applied references teaches or suggests automatically taking control when a mobile device enters a range, and none of the applied references teaches or suggests extending a product device interface to a mobile device.

Claims 17-21, 23 and 25-27 depend from claim 16, and are distinguishable for at least the same reasons as claim 16.

VII. Claims 34-37

Amended independent claim 34 recites, among other features, “a program to take control of the wireless mobile device’s menuing, interaction and display functions and display information describing products in stock at the vendor device.” The “take control” concept has

already been addressed above, and that discussion is relevant here as well. However, amended claim 34 also recites that the display of information describing products that are in stock at the vendor device. The *Shore* reference is focused on processing payment, and does not teach or suggest such information. Similarly, the *Business* reference makes no mention at all of what is, or is not, in stock at the vendor device. Instead, the *Business* reference simply discusses making a purchase over the Internet, with no mention of whether the Internet component even knows what is, or is not, in stock at the vending machine.

Amended claim 34 also recites receiving a purchase selection made on the mobile device and dispensing from the vendor device an item for the purchase selection. As noted above, the *Shore* device is a payment processing device, and there is no purchase selection for products from a vendor device. The *Business* reference mentions buying a can of coke from a vending machine over the Internet, but does not teach or suggest receiving a purchase selection made on the mobile device.

Claims 35-37 depend from claim 34, and are distinguishable for at least the same reasons as claim 34, and further in view of the various features recited therein.

VIII. Claim 38

Amended claim 38 recites transmitting “a program for taking control of the wireless mobile device’s menuing interaction and display functions.” As discussed above, none of the applied references teaches or suggests transmitting such a program. The *Business* reference transmits a web page, but there is no teaching or suggestion that this web page will also take control of the mobile device that displays it. Instead, the only reasonable inference is that the mobile device simply displays the web page.

Conclusion

For at least the reasons set forth above, Applicants respectfully submit that pending claims 1-2, 4-21, 23 and 25-41 distinguish over the art of record, and are in condition for allowance. Should the Examiner wish to have further discussion and/or amendment to place the application in condition for allowance, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

Date: May 14, 2007

/Steve Chang/
Steve S. Chang
Reg. No. 42,402
BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Washington, D.C. 20001

202 824-3000